

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4835 OF 2005

IN

CRIMINAL APPEAL NO.707 OF 2005

IN

SESSIONS CASE NO.54 OF 2000

Anand Hiranman Londhe ..Applicant

Vs.

State of Maharashtra
and Anr. ..Respondents

...
Mr.A.S.Khandeparkar i/b Mohan P.Tekavde
Advocate for Applicant
Mr.V.B.Konde-Deshmukh,A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : SEPT. 14, 2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail. The applicant is convicted under Section 376 of IPC. It is further submitted that the applicant was on bail during the trial. This statement is not controverted on behalf of the prosecution.

3. It is an admitted fact that the prosecutrix was above 16 years of age at the time of incident. From the evidence on record, it appears that the case is of consent. P.W.2 Dr.Patil who examined the prosecutrix has stated that the patient (prosecutrix) gave him history that she was staying with accused Anand since 11 months and during that period, he had sexual intercourse on may occasions with her with her consent.

4. Looking to the entire evidence on record, it does appear prima facie that it is a case of consent. As stated earlier, the age of prosecutrix at the time of incident was above 16 years of age. Hence, looking to the facts and circumstances of this case, I am inclined to grant bail to the applicant.

5. The applicant-Anand Hiranman Londhe to be released on bail in the sum of Rs.20,000/- with one or two sureties to make up that amount.

6. Application is disposed of.

[V.K.TAHILRAMANI, J.]